

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

MARY PROFFITT,	:	
	:	
Plaintiff,	:	Case No. 3:24-cv-32
	:	
v.	:	Judge Thomas M. Rose
	:	
NORTHEASTERN LOCAL SCHOOL	:	
DISTRICT BOARD OF EDUCATION,	:	
	:	
Defendant.	:	
	:	

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**ORDER STRIKING MOTION FOR SUMMARY JUDGMENT (DOC. NO. 12)**

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Currently before the Court is Defendant Northeastern Local School District Board of Education’s (the “Board”) Motion for Summary Judgment (the “Motion”) (Doc. No. 12). While the Board’s Motion is not yet ripe for review and decision, the Court has determined to strike the Motion for two reasons. First, the Board’s Motion is out of compliance with the Court’s Standing Order.<sup>1</sup> Section 2.2 of the Court’s Standing Order provides that parties may not submit memoranda in support of, or in opposition to, any motion in excess of 20 pages, without leave of Court. Gen. Order No. Day. 12-01 § 2.2. The Board’s instant Motion is accompanied by a memorandum that is 44 pages long. (*See* Doc. No. 12 at PageID 39-83.) What’s more, the Board has not moved for leave to submit its memorandum in excess of 20 pages in length. Accordingly, the Court would strike the Board’s Motion for failure to comply with the Standing Order.

Secondly, the Court is wont to strike the Board’s Motion out of an abundance of caution to preserve attorney-client confidentiality. Throughout its Motion, the Board makes a number of

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<sup>1</sup> The Court’s applicable Standing Order, Gen. Order No. Day 12-01, may be located at <https://www.ohsd.uscourts.gov/bioRose> (last visited Apr.8, 2025).

disclosures referring to the substance of communications between the Board or its employees and counsel. Further, such communications appear to be directly related to the present controversy. The Court presumes the disclosure of potentially privileged communications here to be inadvertent and, therefore, strikes the Board's Motion as a matter of grace in this regard.

Ultimately, based on the foregoing, the Court hereby **STRIKES** the Board's Motion for Summary Judgment (Doc. No. 12). The Board shall re-file its motion for summary judgment in this matter on or before Friday, April 11, 2025, in compliance with the Court's Standing Order, and, taking care to preserve the confidentiality of attorney-client communications.

**DONE and ORDERED** in Dayton, Ohio, this Tuesday, April 8, 2025.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE